



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

September 7, 2022

Re: FOIA Request No. NLRB-2022-001703

Dear Janna Roberts:

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on August 8, 2022, in which you seek all records from *The Mirage Casino-Hotel d/b/a The Mirage*, Case No. 28-CA-249585. You assumed financial responsibility for the processing of your request in the amount of \$0.00.

We acknowledged your request on August 8, 2022. On August 10, 2022, a member of my staff was interested in contacting you to determine your status as a FOIA requester and discuss the scope of the requested case file, but you provided neither a phone number or an email address, and any efforts to contact you were unsuccessful.

Your request is granted in part and denied in part. As explained below, I have placed you in the “all other” fee category and determined that with such fee category, we could process the formal files associated with Case No. 28-CA-249585.

A search of the Agency’s electronic casehandling system, NxGen, has been conducted. This search has yielded 33 pages of responsive, releasable records from the requested case formal file, which are attached.

After a review, I have determined that portions of the formal file records are exempt from disclosure under Exemptions 6 and 7(C) of the FOIA (5 U.S.C. § 552(b)(6) and (b)(7)(C)). Specifically, redactions have been made to the records to protect the privacy interests of individuals named in the records. These redactions were made pursuant to FOIA Exemption 6, which pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy, and FOIA Exemption 7(C), which pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(6), (b)(7)(C).

For the purpose of assessing fees *for this request*, given the size of the requested case file, and that fact that you did not provide any contact information or affiliated entity, or assume any fees for the processing of your request, I have placed you in Category D, the “all other requesters” category, because you do not fall within any of the other fee categories. Consistent with this fee category, you would be assessed charges to recover the reasonable direct costs for searching for the requested records, except that you are not charged for the first two hours of search. NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(2)(ii)(D). Charges for all categories of requesters are \$9.25 per quarter hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Because less than two hours of professional time was expended in searching for the requested material, there is no charge assessed for this particular request. In the future, we ask that you provide telephone or email contact information and an assumption of fees in order for the FOIA Branch to process any future requests for records.

You may contact Patrick Plummer, the Attorney-Advisor who processed your request, at 202-273-2999 or by email at patrick.plummer@nrlb.gov, as well as the Agency’s FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the Attorney-Advisor, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the Agency’s FOIA Public Liaison is:

Kristine M. Minami
FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov

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Telephone: (202) 741-5770

Toll free: (877) 684-6448

Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt
Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nrlrb.gov

Any appeal must be postmarked or electronically submitted within 90 calendar days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the Attorney-Advisor, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ Synta E. Keeling

Synta E. Keeling
FOIA Officer

Attachment: (33 pages)